

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

John E. Anderson, #283022,	)	C/A NO. 0:07-607-CMC-BM
	)	
Petitioner,	)	
	)	<b>ORDER</b>
v.	)	
	)	
Tim Riley, Warden of Tyger River	)	
Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the court on the Report and Recommendation of United States Magistrate Judge Bristow Marchant. On October 30, 2007, Magistrate Judge Marchant filed a Report and Recommendation wherein he recommended that this matter be dismissed for failure to prosecute.

On October 29, 2007, Petitioner submitted his response to Respondent's motion for summary judgment by giving his response to prison authorities for mailing. Petitioner's response was received by this court on October 30, 2007.

As it appears Petitioner intends to proceed with his petition, the court declines to adopt the Report and Recommendation of the Magistrate Judge, and recommits this matter to Magistrate Judge Marchant for further proceedings.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
November 1, 2007